

Date: 06/06/2011 02:55 PM
From: Mike Cirian/R8/USEPA/US
To: DC Orr
Cc: Carol Campbell, eric.bierwagen, gordsull, Jim Martin, Kirby Campbell-Rierson, lammersmp, libbycitizens, lidewitt, Iscusa, michellehartly, mvolesky, Sean Earle, Sonya Pennock, Victor Ketellapper
Subject: Response to watering and other concerns.

Mr. Orr,

This email is in response to your concerns listed below.

On May 24th, 2011, you raised the concern of the alley not being watered in back of your property. We addressed that concern immediately with direction for the contractors to water all areas needed to be watered without breaks in the watering unless specifically directed by the adjacent property owners. If property owners request we do not spray the contractor is to contact the Corps of Engineers or myself. Other reasons we may not spray are if vehicles are parked along the roads with windows or doors open. The contractors have been spraying in front of your property ever since this was first addressed. The driver last week assured us he watered the entire stretch along Nevada (and Jeff Hubbard with the Corps witnessed this as well.) This morning was the first time they stopped (different truck driver than last week) and you were correct the driver said he was told not to and that was corrected by 9:30 this morning and we will direct the contractors again about the watering guidelines.

In regards to the dumping of firewood out of wheel barrows to re-stack it at your neighbors the three small pieces of bark were picked up and placed back with the fire wood that was being re-stacked. I instructed the contractor to place the wood directly from the wheel barrow to the log stack and to be careful not to let any more materials touch your property. We will do our best to see this is followed.

If you suspect vandalism, I encourage you to contact the local authorities and file a formal complaint. I we witness any vandalism or other issues that would warrant it, we will contact the authorities as well.

As far as OSHA complaints, those are usually anonymous, and anyone can file them at anytime. I cannot interfere in those allegations or investigations.

There will be no disciplinary actions against Mr. Vasques for calling the police at the EPA's request to document soils showing up on an area we had marked to perform a removal and document this as well as being put onto the city's alley.

A couple of other notes: Jeff Hubbard informed me you requested a contact above me, You can contact Victor Ketellapper (Libby Team Lead) Steve Wharton (Our Section Chief) and you have listed others on this email. If you do not already have their contact information let me know.

In one of your earlier emails you requested a property screening at your property, we can deliver an access agreement at anytime or let me know and we can schedule a time to get with you to have it signed so we have permission from you to perform a screening of your property.

Sorry for any inconvenience our removal activities may have cause you.

Sincerely,

Mike

Mike Cirian, PE
US EPA
Remedial Project Manager
108 East 9th St.
Libby, MT 59923

DC Orr ---06/06/2011 10:13:07 AM---Mr. Cirian; Thank you for responding and coming to my home this morning. I would like to take thi

From: DC Orr <xcav8orr@hotmail.com>
To: <michellehartly@gmail.com>, Jim Martin/R8/USEPA/US@EPA, <lscusa@mt.gov>, Victor Ketellapper/R8/USEPA/US@EPA, Mike Cirian/R8/USEPA/US@EPA
Cc: Sean Earle/R4/USEPA/US@EPA, <eric.bierwagen@mail.house.gov>, <gordsull@yahoo.com>, Kirby Campbell-Rierson <kirby_campbell-rierson@baucus.senate.gov>, <lidewitt@mt.gov>, <mvolesky@mt.gov>, Sonya Pennock/R8/USEPA/US@EPA, Carol Campbell/R8/USEPA/US@EPA, <lammersmp@cdm.com>, <libbycitizens@gmail.com>
Date: 06/06/2011 10:13 AM
Subject: RE: Jeremy Ayala

Mr. Cirian;

Thank you for responding and coming to my home this morning. I would like to take this opportunity to memorialize our tour. I would respectfully request that someone, anyone, respond to this email in writing so we can verify that you have received it and lay out the terms of your response to my concerns.

There was no rig parked on the road this morning with the door open, the truck driver admitted that they had orders to not water on the street or alley by my property since the first day of work adjacent to my property. IF...you sent word to correct this situation in the last two weeks it did not make it to the truck drivers. This is evidence that too many layers of bureaucratic involvement is harming this Project.

I showed you where workers for your contractor were dumping firewood at 1109 Nevada, directly adjacent to my property, and spilling wood onto my property. I have repeatedly asked EPA to explain the relative dangers of wood waste being released from the various Operable Units of this Superfund Site, EPA has refused to respond.

While we were walking through the alley, I found a 4 inch staple, consistent with what your contractors use on-site, in the alley. The rash of flat tires I have had on my rigs lately may just be one more element of incompetence, but I am worried that it comes from vandalism. The water poured in the fuel tanks of my equipment was definitely vandalism.

I am going to request the name of the person who filed a bogus OSHA complaint on one of my jobs in Libby.

I am going to request disciplinary action against Mike Vasquez for calling the cops to complain about me doing my job.

I am going to protect my family from these tactics of harrassment. Please let me know you intend to help.

Sincerely, DC Orr

CC: xcav8orr@hotmail.com; earle.sean@epamail.epa.gov; eric.bierwagen@mail.house.gov; gordsull@yahoo.com;

kirby_campbell-rierson@baucus.senate.gov; lidewitt@mt.gov; mvolesky@mt.gov;
pennock.sonya@epamail.epa.gov; campbell.carol@epamail.epa.gov; lammersmp@cdm.com;
libbycitizens@gmail.com
From: michellehartly@gmail.com
To: martin.jamesb@epa.gov; lscusa@mt.gov; ketellapper.victor@epa.gov; cirian.mike@epa.gov
Subject: Re: Jeremy Ayala
Date: Mon, 6 Jun 2011 08:35:15 -0700

Although Mr. Orr is not a Federal employee, here is the definition for whistleblower:

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I am going to protect my family from these tactics of harassment. Please let me know you intend to help.

Sincerely, DC Orr

CC: xcav8orr@hotmail.com; earle.sean@epamail.epa.gov; eric.bierwagen@mail.house.gov; gordsull@yahoo.com;
kirby_campbell-rierson@baucus.senate.gov; lidewitt@mt.gov; mvolesky@mt.gov;
pennock.sonya@epamail.epa.gov; campbell.carol@epamail.epa.gov; lammersmp@cdm.com;
libbycitizens@gmail.com
From: michellehartly@gmail.com
To: martin.jamesb@epa.gov; lscusa@mt.gov; ketellapper.victor@epa.gov; cirian.mike@epa.gov
Subject: Re: Jeremy Ayala
Date: Mon, 6 Jun 2011 08:35:15 -0700

Although Mr. Orr is not a Federal employee, here is the definition for whistleblower:

"A whistleblower is someone who reports to an employer, a regulatory body, or an oversight or review authority, the violation of a regulation, standard, or ethical obligation."

Mr. Orr has sent proof you are willfully ENDANGERING his family. It's disgusting that such tactics are used in an area declared a Public Health Emergency.

Each person aware of this needs to take action today. Will you? What will you do?

Also, EPA's contractor ER and each and every EPA or State official assisting them in these unsafe activities need to be investigated under:

<http://www.whistleblowerlaws.com/federal-and-state-laws/montana-false-claims-act/>

To spend \$ 350,000,000 INCREASING risks to the people and the environment is outrageous.

Silence or refusal to ACT is APPROVAL.

STOP EVERY UNHEALTHY ACTIVITY TODAY.

On Jun 6, 2011, at 8:05 AM, FilmWest wrote:

Doesn't this activity by EPA contractors violate State and Federal laws?

The **Whistleblower Protection Act of 1989** is a United States federal law that protects federal [whistleblowers](#), who work for the government and report agency misconduct. A federal agency violates the Whistleblower Protection Act if agency authorities make (or threatens to take) a personnel retaliatory action with respect to any employee or applicant because of any disclosure of information by the employee or applicant. Whistleblowers may file complaints that he or she reasonably believes evidences a violation of a law, rule or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety.

Mr. Orr is an elected official.

How can a company sworn to protect, instead discriminate and harm the citizens without repercussions?

WHAT IS BEING DONE ABOUT THIS?

- Michelle Hartly

On Jun 6, 2011, at 7:51 AM, DC Orr wrote:

Mr. Cirian;

It is rapidly closing in on two weeks since I requested some communications with Mr. Buss and Mr. Ayala. They have refused to respond.

I am enclosing pictures showing that your contractors are refusing to afford my family the same dust protection that my neighbors receive. My wife suffers health problems associated with this site and they have recently been aggravated by the actions of your contractors stirring up contaminated dust in the neighborhood. I would like contact information for the insurance company responsible for her medical costs during this mess.

This incident of discrimination comes on top of vandalism to my property and harassment of my business. If these Gestapo tactics are being employed in an attempt to shut me up, understand that I remain committed to correcting the violations of the RAWP that persist on this Project. Now that your incompetence and arrogance has harmed my wifes health, I am fairly certain I will be even more persistent.

I will be logging this with the OIG and requesting whistleblower protection since it is obvious that this is meant to tamper with my complaint.

Please respond.

Sincerely, DC Orr

> Subject: Re: Jeremy Ayala
> To: xcav8orr@hotmail.com
> CC: Earle.Sean@epamail.epa.gov; Ketellapper.Victor@epamail.epa.gov
> From: Cirian.Mike@epamail.epa.gov
> Date: Tue, 24 May 2011 19:18:21 -0600
>
> Mr. Orr, I am replying to you to let you know I am forwarding your
> email to Mr. Ayala and Mr. Buss in order for me to get a response to
> your concerns listed below. I also understand Mr. Ayala has contacted
> you by phone just recently. I hope you raised your concerns with him at
> that time. I will follow up with them tomorrow.
>
> Thank you,
> Mike
>
> Mike Cirian, PE
> US EPA
> Remedial Project Manager
> 108 East 9th St.
> Libby, MT 59923
> 406-293-6194
>
>
>
> From: DC Orr <xcav8orr@hotmail.com>
> To: Mike Cirian/R8/USEPA/US@EPA, Sean Earle/R4/USEPA/US@EPA,
> <gordsull@yahoo.com>, <filmwest@gmail.com>
> Date: 05/24/2011 06:34 PM
> Subject: Jeremy Ayala
>
>
>
> Mr. Cirian;
>
> Mr. Ayala and Mr. Buss gave me contact numbers but we are having
> difficulty communicating. One phone number did not have voicemail and
> one never picked up. I am hoping you will pass this on to those
> gentlemen for me.
> Every day so far that EPA contractors have been active at 1109 Nevada
> I have noticed that the water trucks shut the valves when they get to my
> property and open them again when they leave. EPA contractors lay down
> water on the streets all around the block. The only place left dusty is
> in the alley and the street directly adjacent to my property.
> I do not own the street or alley. I believe the water is used to keep
> down dust. Why is the street and alley directly adjacent to my property
> left high and dry while my neighbors are afforded protection from this
> dust caused by EPA contractor actions?
> If this is because the Kootenai River, OU-3, where contractors get

- > their water, is running high and disturbing the sandbars that collect
- > the vermiculite washing downstream from the activities at the
- > Ampitheater and the mine road, maybe EPA should look at this avenue of
- > cross contamination. Can you supply the water sample results of the
- > water used by your contractors on EPA Projects in Libby for over ten
- > years now? Surely EPA addressed the possibility that water from OU-3
- > should be tested before using it on every single cleanup in the Kootenai
- > Valley. Please verify that the water is clean.
- > If the reason is simply an effort to harass and annoy DC Orr, tell
- > your contractors to get a life and suppress the dust.
- > I also have some questions about the folks roaming around my property
- > taking pictures yesterday, 5-23. Mr. Buss assured me that EPA
- > contractors would respect my wishes to avoid any further cross
- > contamination issues by staying off my property. What happened?
- > I would like Mr. Buss and/or Mr. Ayala to respond in writing so I
- > have a record of the response.
- >

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